

CONCORD TOWNSHIP ZONING COMMISSION
LAKE COUNTY, OHIO
MEETING

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

7:00 p.m.

May 4, 2010

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

Andrew Lingenfelter, Chairman
Larry Wentz
Richard Peterson

Also Present:

Bruce Bullard, Assistant Zoning Inspector

Melton Reporting
11668 Girdled Road
Concord, Ohio 44077
(440) 946-1350

7:00 p.m.

1
2 CHAIRMAN LINGENFELTER: Good evening. I'd like to
3 call this Concord Township Zoning Commission meeting, Tuesday,
4 May 4th, to order, 2010. We have a relatively short agenda
5 this evening since our primary issue has — we have received a
6 request by the applicant, Ryan Sommers, to table the
7 continuation of the public hearing for his Zoning Amendment
8 Application 0909-132.

9 I guess, just for a matter of record, I would
10 entertain a motion to allow this request to be tabled.

11 MR. WENTZ: I move that we allow this request to be
12 tabled.

13 MR. PETERSON: Second that.

14 CHAIRMAN LINGENFELTER: Motion made and seconded.
15 All in favor, say aye.

16 (Three aye votes.)

17 CHAIRMAN LINGENFELTER: Opposed?

18 (No nay votes.)

19 CHAIRMAN LINGENFELTER: Unopposed. Let the record
20 show that we had three ayes, no nays.

21 We are going to let this be continued until the next
22 scheduled meeting. We will see if it's back on the agenda
23 again.

24 Number 2 on the agenda this evening is some
25 miscellaneous housekeeping items for consideration. We have
26 some recommended zoning text changes from the zoning office.
27 They have put together a two-page outline of the, of the
28 proposed amendments for consideration and then we have a — the
29 more detailed documentation that you can review this evening.

30 We're running a little bit light in terms of our

1 Board being here, so I would like to work through this with the
2 three members we have present, get everything out of the way.

3 I don't really see anything in here that is of major
4 consequence that we can't try to get this done tonight. And
5 then, when everything is formalized, then Kathy will get us the
6 formal text changes and we can make the formal move to do this.

7 So we'll just kind of run through this this evening.
8 We've got — There are seven items that need to be revised or
9 they want us to visit, and so we will read — I'll read through
10 them and then we will take any comments from my fellow Zoning
11 Commission members with regards to those changes and we'll
12 just, kind of, go right down the list here.

13 Number 1 is in, Amendment 1 would be in Section III,
14 under Enforcement, and that would be under (a), would be — or
15 Point (a) would be to eliminate the existing text created in
16 1955 pertaining to enforcement action and expand on enforcement
17 procedures. Current process is not spelled out in the text,
18 including written notification of violations and allowing a
19 time period for corrective action.

20 And then they want to add section titles and expand
21 the chapter heading under Enforcement.

22 So this is an old one, June of 1955. So any
23 questions, comments or things we need to consider?

24 MR. WENTZ: I have no problem with it. Will we need
25 a motion for each, for each section, for each amendment, or can
26 we do it all in one at the end with any changes in the motion?

27 CHAIRMAN LINGENFELTER: Well, let's see. We can do
28 that.

29 MR. WENTZ: Perhaps we need seven, seven decisions
30 for the seven.

1 CHAIRMAN LINGENFELTER: Yeah, I am going to —

2 MR. WENTZ: Why don't we do that?

3 CHAIRMAN LINGENFELTER: I think we'll just take them
4 one at a time and we'll go through them that way. Yeah. That
5 way, yeah, we'll take a motion on each one and take, just take
6 a voice vote as we move down the list.

7 MR. WENTZ: Mr. Chairman, I have no problems with
8 Amendment 1 as stated. I would like to make a motion that we
9 accept Amendment Number 1 as stated.

10 CHAIRMAN LINGENFELTER: I have a motion made.

11 MR. PETERSON: I'll second that.

12 MR. BULLARD: You have to set a public hearing for
13 this.

14 CHAIRMAN LINGENFELTER: Right. We're just going
15 through, we're just accepting the changes, and then we know
16 you're going to have to come back to us with a formalized —
17 Yeah, we're not doing that. There is no — We're basically, as
18 a Commission, just so you know, Bruce, we're just, as a
19 Commission, we're accepting these changes —

20 MR. BULLARD: Okay.

21 CHAIRMAN LINGENFELTER: — as they are presented to
22 us.

23 MR. BULLARD: Okay.

24 CHAIRMAN LINGENFELTER: And then we know that there
25 will be a formal public hearing —

26 MR. BULLARD: All right.

27 CHAIRMAN LINGENFELTER: — before it becomes part of
28 the text, but thanks for bringing that to our attention.

29 Okay. So we're good. There are no changes, any
30 issues that anybody sees. We have a motion made and seconded

1 to accept enforcement procedures action under (a), initial
2 notification, and then (b), final notice. So we're okay with
3 that? We have a motion made by Larry and seconded by —

4 MR. PETERSON: Rich.

5 CHAIRMAN LINGENFELTER: — Rich, Rich. I won't
6 forget that name. I don't know why it just — by Rich. All in
7 favor, say aye.

8 (Three aye votes.)

9 CHAIRMAN LINGENFELTER: Opposed?

10 (No nay votes.)

11 CHAIRMAN LINGENFELTER: None opposed. Okay.

12 Number 2, Amendment Number 2, Section IV, Penalty, we
13 are — There is a proposed change to update the fine for
14 violations, as specified in the Ohio Revised Code 519.99, so
15 we're going to change that from \$100. And "receipt of a
16 violation notice" will be stricken — "after receipt of a
17 violation notice" stricken from that verbiage and the amount
18 specified in Section 519.99 of the Ohio Revised Code will take
19 its place.

20 MR. WENTZ: This just makes us consistent with that.

21 CHAIRMAN LINGENFELTER: Yeah, we're just consistent
22 with the ORC. Does anybody have any issues with that?
23 discussion?

24 MR. WENTZ: Not I.

25 MR. PETERSON: No. Mr. Chairman, I make a motion we
26 accept the amendment language for Amendment Number 2.

27 CHAIRMAN LINGENFELTER: Motion made —

28 MR. WENTZ: Second.

29 CHAIRMAN LINGENFELTER: — and seconded. All those
30 in favor, say aye.

1 (Three aye votes.)

2 CHAIRMAN LINGENFELTER: Opposed?

3 (No nay votes.)

4 CHAIRMAN LINGENFELTER: Nobody opposed. So Amendment
5 Number 2, Section IV, Penalty, has been approved by this
6 Commission.

7 Item Number 3, Amendment 3, Section X, Zoning
8 Inspector, we are going to make a change there, expand and
9 clarify the responsibilities of the zoning inspector;

10 And then to clarify when the zoning inspector is
11 authorized to make inspections on properties for the purpose of
12 enforcing the Zoning Resolution.

13 MR. WENTZ: Mr. Chairman, these changes, I think,
14 bring our written documentation consistent with the practices
15 and, I think, make the zoning inspector's job more clear to
16 anybody who makes inquiries. I make a motion we accept
17 Amendment 3 as submitted.

18 MR. PETERSON: I'll second that motion.

19 CHAIRMAN LINGENFELTER: Motion has been made and
20 seconded. All in favor, say aye.

21 (Three aye votes.)

22 CHAIRMAN LINGENFELTER: Opposed?

23 (No nay votes.)

24 CHAIRMAN LINGENFELTER: None opposed. Amendment
25 Number 3 has been approved without change.

26 Amendment Number 4, Section XI, Zoning Permit, we've
27 got a little bit more on this one. Point (a) is to expand
28 zoning permit requirements, when required, in Section 11.01;

29 (b) to consider expanding zoning requirements for
30 agricultural uses as permitted under Ohio Revised Code 519.21,

1 to continue research on and present at a later date;

2 and then to clarify zoning permit application
3 procedures and time period for review;

4 to eliminate Section 11.05, which is a duplication of
5 Section 11.04;

6 to eliminate Section 11.09, which is not the correct
7 procedure for reducing lot size due to access to public sewer
8 and water. Conditional use permit is not required, as
9 referenced in this section;

10 Item (f), eliminate Section 11.13 that requires a
11 deposit at the time of application for zoning permit,
12 established under Resolution 84-6. And the resolution for this
13 deposit was voted to be eliminated on June 21st of 1990 by the
14 trustees at a regular meeting;

15 and a final point, to clarify the procedure for
16 proposed zoning amendments in Section 11.14.

17 Any comments?

18 MR. PETERSON: I just had a question. The
19 agricultural permits listed that have been issued since 1996,
20 are those all still active and in place; do we know?

21 CHAIRMAN LINGENFELTER: Bruce?

22 MR. BULLARD: Yeah, they're, pretty much, active and
23 in place.

24 MR. PETERSON: Okay.

25 CHAIRMAN LINGENFELTER: Yeah. Again, I don't see
26 anything earth-shattering in any of these changes. It, pretty
27 much, just brings everything up to date.

28 MR. PETERSON: I agree. Mr. Chairman, I make a
29 motion that we accept the revised language for Amendment
30 Number 4.

1 MR. WENTZ: Second.

2 CHAIRMAN LINGENFELTER: Motion made and seconded.

3 All those in favor, say aye.

4 (Three aye votes.)

5 CHAIRMAN LINGENFELTER: Opposed?

6 (No nay votes.)

7 CHAIRMAN LINGENFELTER: None opposed. Amendment

8 Number 4 is accepted as presented.

9 Amendment Number 5, it's referring to Section XII,
10 Occupancy Permit. There are two points to consider there.
11 Eliminate the use of the term "occupancy permit," originally
12 created in 1979 as a "use certificate" to verify that any
13 proposed use or structure, upon inspection, conformed to the
14 approved plan upon which zoning permit was issued.
15 Resolution 79-3, initiated by the trustees in 1979, instructed
16 the Zoning Commission to create such "use certificates." The
17 name was changed to "occupancy permit" in 1982.

18 The second point would be, the current practice of
19 the zoning offices is to inspect all proposed uses/structures
20 to verify conformance with the approved plans and zoning
21 permit. If in conformance, a "Certificate of Zoning
22 Compliance" is issued (Certificate approved by the trustees in
23 February of 2004). And eliminate the use of the term
24 "occupancy permit" in the text, as it creates confusion with
25 the occupancy permit issued by the Lake County Building
26 Department. We recommend changing it to the, in the text, to
27 "Certificate of Zoning Compliance."

28 That has to do with Section XII. So we're going to
29 scrap, basically, "occupancy permit" —

30 MR. WENTZ: Right.

1 CHAIRMAN LINGENFELTER: — and change it to
2 "Certificate of Zoning Compliance, which I think is a good
3 idea. Anytime we can streamline and/or eliminate confusion is
4 a good thing.

5 MR. PETERSON: I agree. I think the language
6 clarification is much better with this terminology, so I would
7 make a recommendation that we accept the revised language for
8 Amendment Number 5.

9 MR. WENTZ: Second.

10 CHAIRMAN LINGENFELTER: Motion made and seconded.

11 All those in favor, say aye.

12 (Three aye votes.)

13 CHAIRMAN LINGENFELTER: Opposed?

14 (No nay votes.)

15 CHAIRMAN LINGENFELTER: None opposed. Amendment
16 Number 5 is accepted as presented.

17 Amendment Number 6 has to do with Section XIV, Use
18 Districts. We are going to add Town Hall Commons (THC) and
19 Town Hall Neighborhood (THN) Districts to the list of use
20 districts, which were added to the text on June 19th of 2009;

21 Also, eliminate the "Research and Comprehensive
22 Office (RD-1) District" from the list, which was repealed on
23 June 19th of 2009.

24 MR. WENTZ: Mr. Chairman, we worked long and hard to
25 get that far. I move that we accept Amendment 6 as submitted.

26 MR. PETERSON: Second.

27 CHAIRMAN LINGENFELTER: Motion made and seconded.

28 All those in favor, say aye.

29 (Three aye votes.)

30 CHAIRMAN LINGENFELTER: Opposed?

1 (No nay votes.)

2 CHAIRMAN LINGENFELTER: None opposed. Amendment
3 Number 6, Section XIV, Use Districts, is to be accepted as
4 submitted.

5 And the final amendment, Number 7, which has to do
6 deal with Section XXVI, if my Roman numeral —

7 MR. BULLARD: XXXVI.

8 CHAIRMAN LINGENFELTER: XXXVI, I'm sorry. I missed
9 an X.

10 XXXVI, Site Plan Review, there are three proposed
11 changes there. (a) Revise Section 36.06 E, Zoning Commission
12 action to clarify the expiration of plan approval. No
13 expiration period is currently in place from the time a plan is
14 "conditionally approved" — excuse me — by the commission or
15 board to the time a final plan is submitted for zoning permit.

16 The second item is to add the term "final" site plan
17 in this section, where noted, to eliminate confusion of the
18 approval process;

19 And the final point is, to update the flow chart with
20 correct board reference (BZA not Zoning Commission).

21 Again, I didn't see anything in here that —

22 MR. WENTZ: No. Mr. Chairman, I move that we accept
23 Amendment 7.

24 MR. PETERSON: Second.

25 CHAIRMAN LINGENFELTER: Motion made and seconded.

26 All those in favor, say aye.

27 (Three aye votes.)

28 CHAIRMAN LINGENFELTER: Opposed?

29 (No nay votes.)

30 CHAIRMAN LINGENFELTER: None opposed. Amendment

1 Number 7 is accepted as submitted.

2 Okay. Just to be clear, from a public standpoint,
3 these amendments have been approved to go to the point of
4 public hearing. The only thing that we have, kind of, hanging
5 out there would be Amendment Number 4, in Section XI, Zoning
6 Permit, Point (b). There is some continued research on that
7 item that's going to be done and presented at a later date, so
8 when we do move to the formal public hearing process, I would
9 assume that that should be ready to go.

10 Bruce, is there anything outstanding in this that
11 would prevent us from moving this to scheduling a public
12 hearing for these changes?

13 MR. BULLARD: No, there should not be. We scheduled
14 for June 1st. We did that. We can schedule it now. So
15 assuming that you're going to have a full panel —

16 CHAIRMAN LINGENFELTER: Right. What's our, what
17 would be the —

18 MR. BULLARD: The next one would be July 6th if you
19 don't schedule right now, you know, but you're going to have to
20 schedule it if accepted, so it's going to be June 1st.

21 CHAIRMAN LINGENFELTER: You mean June 8th?

22 MR. BULLARD: No. June 1st.

23 MR. WENTZ: It's the second — the first Tuesday.

24 CHAIRMAN LINGENFELTER: Right, the first Tuesday of
25 every month, so it would be June 1st. I would entertain a
26 motion to schedule a public hearing for the proposed zoning
27 amendments for consideration, seven amendments. I would
28 entertain a motion to schedule a public hearing for that.

29 MR. WENTZ: Mr. Chairman, I move that we schedule a
30 public hearing at the next meeting, June 1, for this matter.

1 MR. PETERSON: I second that.

2 CHAIRMAN LINGENFELTER: Motion made and seconded.

3 All those in favor, say aye.

4 (Three aye votes.)

5 CHAIRMAN LINGENFELTER: Opposed?

6 (No nay votes.)

7 CHAIRMAN LINGENFELTER: None. So we'll have a public
8 hearing scheduled for the next regularly scheduled Zoning
9 Commission meeting on June 1st, 2010, to take under
10 consideration the proposed amendments, zoning amendment changes
11 done by our zoning inspector.

12 It looks good. Nice work. You guys do a nice job.
13 It's nice to have support staff to get these things done.
14 Housekeeping issues are never fun to have to deal with. It is
15 always nice to have diligent workers.

16 Okay. The next item on the agenda — I lost my
17 agenda.

18 MR. PETERSON: Correspondence report.

19 CHAIRMAN LINGENFELTER: Correspondence report from
20 the Zoning Commissioners. Rich?

21 MR. PETERSON: I had none.

22 CHAIRMAN LINGENFELTER: Nothing. Larry?

23 MR. WENTZ: I have nothing.

24 CHAIRMAN LINGENFELTER: I have received nothing. So
25 Frank? Morgan? Okay.

26 MR. WENTZ: Silence means consent.

27 CHAIRMAN LINGENFELTER: Yes, it does. Silence and
28 absenteeism usually means getting assigned not-such-savory
29 tasks.

30 Our next regularly scheduled Zoning Commission

1 meeting will be June 1st. Is there any other business, any
2 other things we need to add to the agenda?

3 MR. PETERSON: Approval of the —

4 CHAIRMAN LINGENFELTER: Oh, approval of minutes. I'm
5 sorry. Thank you.

6 MR. PETERSON: Mr. Chairman, I make a motion that we
7 approve the minutes from the April 6, 2010, meeting.

8 MR. WENTZ: Second.

9 CHAIRMAN LINGENFELTER: Motion made and seconded.

10 All those in favor, say aye.

11 (Three aye votes.)

12 CHAIRMAN LINGENFELTER: Opposed?

13 (No nay votes.)

14 CHAIRMAN LINGENFELTER: None opposed. Anything? Any
15 new business that we need to discuss? Anything we want to add
16 to the agenda?

17 Bruce anything, any big issues coming up?

18 MR. BULLARD: No. Pretty much, got them covered
19 right now.

20 CHAIRMAN LINGENFELTER: Everything is quiet. So,
21 hopefully, we'll have the continuation of the public hearing
22 that's in —

23 MR. BULLARD: The tabled one, yeah.

24 CHAIRMAN LINGENFELTER: — that's been tabled.
25 Hopefully, we will start the continuation on that at the next
26 meeting. Otherwise, we will have a public hearing scheduled
27 for the zoning text housekeeping amendments. If there is
28 nothing else at this point, I will consider this meeting
29 adjourned.

30 (The meeting was adjourned at 7:19 p.m.)

1 STATE OF OHIO)
2) CERTIFICATE
3 COUNTY OF CUYAHOGA)
4

5 I, Melinda A. Melton, Registered Professional
6 Reporter, a notary public within and for the State of Ohio,
7 duly commissioned and qualified, do hereby certify that, to
8 the best of my ability, the foregoing proceeding was reduced
9 by me to stenotype shorthand, subsequently transcribed into
10 typewritten manuscript; and that the foregoing is a true and
11 accurate transcript of said proceedings so taken as
12 aforesaid.
13

14 I do further certify that this proceeding took
15 place at the time and place as specified in the foregoing
16 caption and was completed without adjournment.
17

18 I do further certify that I am not a friend,
19 relative, or counsel for any party or otherwise interested
20 in the outcome of these proceedings.
21

22 IN WITNESS WHEREOF, I have hereunto set my hand and
23 affixed my seal of office this 17th day of May 2010.
24
25
26
27

28 _____
29 Melinda A. Melton
30 Registered Professional Reporter

31 Notary Public within and for the
32 State of Ohio
33

34 My Commission Expires:
35 February 4, 2013
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